

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

|  |   |                                     |
|--|---|-------------------------------------|
| <b>LIZARD APPAREL AND<br/>PROMOTIONS, LLC, ET. AL.</b> | : | <b>CIVIL ACTION NO. 3:16-CV-238</b> |
|  | : |                                     |
| <b>PLAINTIFF</b>                                       | : | <b>JUDGE WALTER H. RICE</b>         |
|  | : |                                     |
| <b>VS.</b>   | : |                                     |
|  | : | <b>PLAINTIFFS' DISCLOSURE OF</b>    |
|  | : | <b>LAY WITNESSES</b>                |
| <b>IMPACT DESIGN LLC</b>                               | : |                                     |
| <b>dba ALLCUSTOMWEAR.COM, ET.</b>                      | : |                                     |
| <b>AL</b>  | : |                                     |
| <b>DEFENDANTS</b>                                      | : |                                     |
|  | : |                                     |

Now comes the Plaintiffs, by and through counsel and pursuant to the court October 24, 2016 Preliminary Conference Order, and identify the following expert witnesses whom it may call during a trial in this matter. This disclosure is based on information known to Plaintiffs at this time. Because an answer and counterclaim was finally filed today by the Defendants, the Plaintiff is basing its disclosure on its case in chief only. Therefore, Plaintiff reserves the right to disclose other expert witnesses should they be needed to rebut any Defendants' asserted defenses or counterclaims which it received at 5:30 pm March 1, 2017. Plaintiff's current experts are:

1. Michael J. Lenihan, CPA  
Rudler, PSC  
1881 Dixie Highway Suite 200  
Ft. Wright, KY 41011  
859-331-1717

Mr. Lenihan is an accounting expert who will testify to the loss of income sustained by the Plaintiff, the value of the accounts Plaintiff lost due to the activity of the Defendants, and the overall value of Lizard before and after then

2. Plaintiff may utilize an e-commerce platform engineer to testify about the coding used to create e-commerce platforms and the differences between the system created by Plaintiff and the Defendants. Utilization of this expert will depend on what defenses or counterclaims are asserted by the Defendants.

- 3 Plaintiff also reserves the right to call any expert witness for the Defendants in its case in chief as if on Cross Examination

Dated: March 1, 2017

Respectfully Submitted,

/s/ Tabitha M. Hochscheid

Tabitha M. Hochscheid 0065172  
Attorney for Plaintiff  
Hochscheid & Associates, LLC  
810 Sycamore Street; Suite 420  
Cincinnati, OH 45202  
513-338-1818 phone  
513-263-9046 fax  
tmh@hochscheidlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Disclosure of Expert Witnesses was served  
this 1st day of March, 2017 upon the following via ECF and email.

Michael S. Foster  
Geoffrey Fasel  
Attorney for Defendants  
Polsinelli PC  
900 W. 48<sup>TH</sup> Place; Suite 900  
Kansas City MO 64112  
[mfoster@polsinelli.com](mailto:mfoster@polsinelli.com)  
[Gfasel@polsinelli.com](mailto:Gfasel@polsinelli.com)

Caroline Gentry  
Jay A. Yurkow  
Anna Crawford  
Trial Attorneys for Defendants  
Porter Wright Morris & Arthur  
One Dayton Centre  
One South Main Street  
Suite 1600  
Dayton, OH 45402-2028  
937-449-6748  
[cgency@porterwright.com](mailto:cgency@porterwright.com)  
[acrawford@porterwright.com](mailto:acrawford@porterwright.com)

/s/ Tabitha M. Hochscheid

Tabitha M. Hochscheid 0065172